



## DECLARATION

As below-named inventors, we hereby declare that:

Our correct residences, post office addresses and citizenship are stated below next to our names.

We believe ourselves to be the original, first and sole inventor(s) (if only one name is listed below) or an original and first joint inventor(s) (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

### **A Method, Apparatus & Computer Program Product for Borrowed-Virtual-Time Scheduling**

The specification of this subject matter:

- ☐ is attached hereto.
- ☒ was filed on March 22, 1999;
- was assigned Serial No. 09/273,806;
- which was amended on \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. We believe the subject matter claimed in the above-identified application to be new and to be unobvious to persons of ordinary skill in the art in view of the prior art of which we are aware. We further hereby state that the specification of the above-identified patent application adequately describes how to make and use the claimed invention, and further that it sets forth the best mode for practicing the invention known to us as of the date that the application was filed. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. § 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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FULL NAME OF FIRST Name  
INVENTOR 1

MIDDLE Initial(s)

LAST Name

Kenneth

J.

Duda

RESIDENCE AND  
CITIZENSHIP

City

State or Foreign Country

Country of Citizenship

Hillsborough

California

USA

POST OFFICE  
ADDRESS

Number and Street

City

State or Country Zip Code

2445 Summit Drive

Hillsborough

CA

94010

FULL NAME OF FIRST Name  
INVENTOR 2

MIDDLE Initial(s)

LAST Name

David

R.

Cheriton

RESIDENCE AND  
CITIZENSHIP

City

State or Foreign Country

Country of Citizenship

Palo Alto

California

Canada

POST OFFICE  
ADDRESS

Number and Street

City

State or Country Zip Code

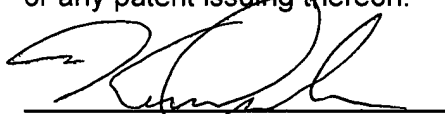
131 Cowper Street

Palo Alto

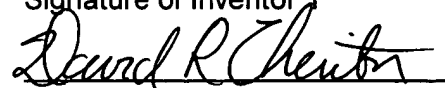
CA

94301

We further declare that all statements made herein of our own knowledge are true and that all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Signature of Inventor 1

6/1/99  
Date

  
Signature of Inventor 2

5/28/99  
Date

CIS-057 *A3*

## POWER OF ATTORNEY

Cisco Technology, Inc., assignee of the application for United States Letters Patent for an invention entitled:

**A Method, Apparatus & Computer Program Product for Borrowed-Virtual-Time Scheduling**

invented by: Kenneth J. Duda and David R. Cheriton;

- ☐ executed on even date herewith, or
- ☒ having Serial No. 09/273,806 filed March 22, 1999

do(es) hereby appoint Steven A. Swernofsky, Registration No. 33,040, Daniel B. Curtis, Registration No. 39,159, as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connect therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

Steven A. Swernofsky  
Daniel B. Curtis  
Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
Telephone (650) 947-0700

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

I, the undersigned, declare that I am the (an) assignee of the above-identified application, or, if the assignee is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the assignee, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Full Assignee Name: Cisco Technology, Inc.

Post Office Address: 170 W. Tasman Drive, San Jose, CA 95134

  
Dan Scheinman, VP/Legal and Government Affairs

May 13, 1999

Date

COPY

CIS-057

ASSIGNMENT

WHEREAS, we, Kenneth J. Duda, a citizen of the United States, residing at 2445 Summit Drive, Hillsborough, California 94010; and David R. Cheriton, a citizen of Canada, residing at 131 Cowper Street, Palo Alto, California, 94301; have invented a "A Method, Apparatus & Computer Program Product for Borrowed-Virtual-Time Scheduling" for which we have executed application papers for a U.S. patent thereon, which was filed on March 22, 1999, and

WHEREAS, Cisco Technology, Inc., having a place of business at 170 W. Tasman Drive, San Jose, California 95134, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and in all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, Kenneth J. Duda and David R. Cheriton, do sell, assign, transfer and set over unto the said Cisco Technology, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all letters patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Cisco Technology, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at 28, this may day of May, 1999.

  
Kenneth J. Duda

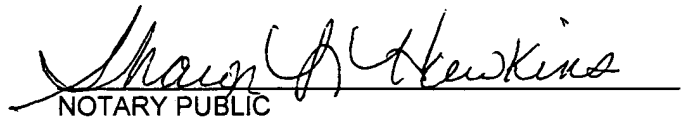
  
David R. Cheriton

STATE OF CALIFORNIA )  
COUNTY OF Santa Clara ) ss.

On this 1 day of June, 1999, before me, Sharon L. Hawkins, a Notary Public, personally appeared Kenneth J. Duda and ~~David R. Cheriton~~, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signatures on the instrument the person or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



  
NOTARY PUBLIC

see Calif All Purpose Ack. for Notarized  
Signature of David Cheriton Attached

COPY

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of

Santa Clara } ss.

On

May 28, 1999

before me,

Mary L. Stahlke, Notary Public

Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared

DAVID CHERITON

Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary L. Stahlke  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document:

Patent Application

Document Date:

5/28/99

Number of Pages:

Signer(s) Other Than Named Above:

Kenneth J. Duda

**Capacity(ies) Claimed by Signer**

Signer's Name:

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**  
Top of thumb here